

Court No.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 3349 of 2001 (S/S)

U.P. Jal Nigam through Executive
Engineer, Kalagarh, Dehradun.

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Petitioner.

Versus

1. Presiding Officer, Labour Court,
Dehradun.
2. Sita Ram Rana S/o Sri Shankar Sing Rana,
R/o Village-Atal Laxmanpur, Vikas Nagar,
Dehradun.
3. Prem Dass S/o Sri Khalu, R/o Village-
Atal Laxmanpur, Vikas Nagar, Dehradun,
4. Vijay Singh S/o Sri Badri, R/o Village
Atal Laxmanpur, Vikas Nagar, Dehradun.

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Respondents.

Sri D.S.Patni, learned counsel for the petitioner,
Sri M.C.Pant, Advocate appears for the respondents Nos. 2 to 4.

Date: 23rd Sept., 2005.

Hon'ble P.C.Verma,J.

This petition has been filed by the petitioner seeking writ of certiorari quashing the impugned order dated 21.5.2001, so far as it relates to respondent Nos. 2, 3 & 4, passed by Labour Court, Dehradun under Sec 33-C (2) of the Industrial Disputes Act, 1947 in Misc. case No. 1 of 2000.

2. Before the Labour Court total 15 applicants/workmen moved an application under Section 33-C(2) of the Industrial Disputes Act, 1947 for the payment of their wages as they had worked as labourers

under the Ataal Payjal Scheme from 1st January, 1998 to 4.6.1998. Thereafter 7 applicants surrendered their right by filing affidavits that they did not work but six applicants continued to pursue their case and contested the same by filing their objections. The Labour Court after hearing the parties allowed the claim of the aforesaid six claimants/workmen and directed the petitioner/employer to make payment to them of the amount shown against their names within a period of one month alongwith interest at the rate of 12% per annum and cost of Rs. 1000/-. Feeling aggrieved, the petitioner has come up in this petition.

3. The learned counsel for the petitioner challenged the impugned order only the ground that respondent Nos. 3 & 4 filed their affidavits dated 24.4.2001 and 15.5.2001 respectively before the Labour Court categorically mentioning therein that they have not worked in Ataal Payjal Scheme. Therefore, there is no payment due against the petitioner. The Labour Court has committed manifest error in allowing the application on behalf of these two respondents/workmen.

4. I have heard the learned counsel for the parties. I have perused the affidavits filed by the respondent no.3-Prem Dass and respondent No.4-Vijay Singh before the Labour Court in Case No.1 of 2000, which are Annexure Nos. 4 and 5 respectively to this writ petition. In the said affidavits both these respondents have categorically deposed that they have not filed any case against the petitioner in the Labour Court as well as in the High Court. There is no amount due to be paid to

them by the Jal Nigam. Therefore, the respondent No.3 Prem Dass and respondent No.4-Vijay Singh are not entitled for payment of salary under Sec. 33-C (2) of the Industrial Disputes Act. The impugned order suffers from manifest error of law and facts both so far as it relates to the aforementioned two respondents.

5. In view of above, the writ petition is allowed and the order impugned is set aside in respect of respondent No.3-prem Dass and respondent No.4-Vijay Singh. The writ petition is dismissed and the order impugned is affirmed so far as it relates to respondent No.2-Sita Ram Rana only.

(P.C. Verma, J.)

23.09.2005
P.Singh